

ENTERED

September 07, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BEYERLY FAZZOLARI

VS

CITY OF HOUSTON, *et al*

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CIVIL ACTION NO. H: 21-2164

ORDER ADOPTING MEMORANDUM AND ORDER

Pending before the Court in the above referenced proceeding are Defendants City of Houston, Officer Jasmine Selle, Officer Lazaro Maldanardo and Officer Kevin Smith's Motions for Summary Judgment (Doc. Nos. 46, 48, 50, 52); Plaintiffs responses (Doc. Nos. 64-67); Replies (Doc. Nos. 68, 69); and Judge Sheldon's Memorandum and Recommendation (doc. No. 71) that the Court grant the Defendants' Motions for Summary Judgment. No objections were filed by any party and time for doing so has passed.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Plaintiffs claims fail due to abandoned claims, lack of capacity and standing, no municipality liability, qualified immunity, and insufficient constitutional claims. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation (Doc. No. 71) is **ADOPTED**. Defendants City of Houston, Officer Jasmine Selle, Officer Lazaro Maldanardo and Officer Kevin Smith's Motions for Summary Judgment (Doc. Nos. 46, 48, 50, 52) are **GRANTED**.

Plaintiffs case is **DISMISSED WITH PREJUDICE.**

Entry of this Order shall constitute entry of final judgment.

SIGNED: September 5, 2023

A handwritten signature in black ink, appearing to read 'A. Hanen', is written above a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE